

REMARKS

Entry of Amendment

As Applicants are filing a RCE herewith, this amendment should be entered and considered by the Examiner at this time.

Applicants have the following response to the rejections in the Final Rejection.

Claim Rejections - 35 USC §103

In the Final Rejection, the Examiner has the following rejections under 35 USC §103:

1. Claims 1, 13, 31, 47, 51 and 59-60 as being unpatentable over Hiraga et al. (US 6,139,321) in view of Harrah et al. (US 4,405,487) and Matsuura et al. (US 6,001,413) and Nowobilski (US5,328,336).
2. Claims 2 and 14 as being unpatentable over Hiraga et al., Harrah et al. and Matsuura et al. and Nowobilski and further in view of Begin et al. (US 5,310,410).
3. Claims 3 and 15 as being unpatentable over Hiraga et al., Harrah et al. and Matsuura et al. and Nowobilski and further in view of Kakei et al. (US 3,931,789).
4. Claims 4, 34 and 38 as being unpatentable over Hiraga et al. in view of Harrah et al., Matsuura et al. and Nowobilski in view of Conte (US 6,149,392).
5. Claim 5 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al. and Conte and Nowobilski and further in view of Begin et al.
6. Claim 6 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al. and Conte and further in view of Kakei et al.
7. Claims 7-8, 16-17, 37, 49 and 52 as being unpatentable over Hiraga et al. in view of Harrah et al., Matsuura et al. and in view of Begin et al and Nowobilski.
8. Claims 9 and 18 as being unpatentable Hiraga et al., Harrah et al., Matsuura et al. and Begin et al. and Nowobilski and further in view of Kakei et al.
9. Claims 10, 11, 40 and 50 as being unpatentable over Hiraga et al. in view of Harrah et al., Matsuura et al. in view of Begin et al. and in view of Conte and

Nowobilski.

10. Claim 12 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al., Begin et al. and Conte and Nowobilski and further in view of Kakei et al.
11. Claims 32-33 and 61-62 as being unpatentable over Hiraga, Harrah, and Matsuura et al. and Nowobilski and further in view of Zheng (US 6,124,215).
12. Claims 35 and 36 as being unpatentable over Hiraga, Harrah, Matsuura et al. and Conte and Nowobilski and further in view of Zheng.
13. Claims 38-39 and 45-46 as being unpatentable over Hiraga, Harrah, Matsuura et al. and Begin and Nowobilski and further in view of Zheng.
14. Claims 41 and 42 as being unpatentable over Hiraga, Harrah, Matsuura et al., Begin and Conte and Nowobilski and further in view of Zheng.
15. Claims 43 and 44 as being unpatentable over Hiraga, Harrah, and Matsuura et al. and Nowobilski and further in view of Zheng.
16. Claims 53 and 57 as being unpatentable over Hiraga et al., Harrah et al. and Matsuura et al. and Nowobilski and further in view of Walter (U.S. 4,118,542).
17. Claim 54 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al. and Conte and Nowobilski and further in view of Walter.
18. Claims 55 and 58 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al. and Bergin et al. and Nowobilski and further in view of Walter.
19. Claim 56 as being unpatentable over Hiraga et al., Harrah et al., Matsuura et al., Bergin et al., Conte and Nowobilski and further in view of Walter.

Each of these rejections is respectfully traversed.

Each of the rejections relies upon a combination of Hiraga, Harrah, Matsuura and Nowobilski (and other references as deemed necessary by the Examiner). While Applicants traverse these rejections, in order to advance the prosecution of this application and to clarify the claimed invention, Applicants are amending independent Claims 1, 4, 7, 10, 13, 16 and 59 to recite the feature of “wherein a period of time in which said oxygen gettering agent is oxidized is adjusted by opening and closing said lid.” This feature is supported in the present application by,

for example, page 9, lines 3-13 of the specification. This feature is not disclosed or suggested in the cited references.

In the Final Rejection, the Examiner admits that neither Hiraga, Harrah, or Matsuura teach a mechanism for oxidizing is an oxidation cell having a lid, wherein said oxygen gettering agent is encapsulated (i.e. enclosed) by closing said lid. The Examiner cites Nowobilski as allegedly disclosing “providing a gettering material in a container (Fig. 1, 1) with a closing means (5) that encapsulates (encloses) the gettering material when closed by the closing means for at least the purposes of preventing the getter material from escaping and allowing the easy replacement of getter material once it is deactivated or no longer useful for removing undesirable gases (column 6, rows 22-31).”

However, the closing means (5) in Nowobilski is merely for closing the container and keeping the gettering material within the container, to be replaced once the gettering material is deactivated or no longer useful. It cannot be opened and closed to adjust the period that the gettering agent is oxidized. Further, the container in Nowobilski has a filtering means with a plurality of pores which allow reactive gases to continuously diffuse in or out of the container. See e.g. col. 3, line 51 - col. 4, line 3; col. 6, lines 22-31 in Nowobilski. Hence, the device in Nowobilski cannot adjust the period of time in which said oxygen gettering agent is oxidized by opening and closing the lid, as in independent Claims 1, 4, 7, 10, 13, 16 and 59 of the present application, and there is no disclosure or suggestion in Nowobilski of such a feature.

Therefore, even if it were proper to combine Hiraga, Harrah, Matsuura and Nowobilski (and the other references), such a combination still would not disclose or suggest the claimed invention.

Accordingly, independent Claims 1, 4, 7, 10, 13, 16 and 59 and those claims dependent therefrom are patentable over these references, and it is respectfully requested that all the §103 rejections be withdrawn.

Conclusion

It is respectfully submitted that the present application is in condition for allowance, and should be allowed.

If any further fee is due for this amendment or RCE, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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